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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Catherine LIN-HENDEL

Ser. No.: **09/544,036**

Filed: **April 6, 2000**

For: **MULTIPLE SELECTION OF DIGITALLY
STORED OBJECTS AND
CORRESPONDING LINK TOKENS FOR
SIMULTANEOUS PRESENTATION**

Group Art Unit: **2179**

Examiner: **Mylinh T. TRAN**

Attorney File No.: **LH 001**

Final Office Action Mailed On:

June 2, 2006

**APPEAL BRIEF TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

This Appeal Brief is responsive to the rejections in the Final Office Action mailed on June 2, 2006, in the above-referenced patent application. Notice of Appeal in this case was received by the Office on September 11, 2006. Applicant petitions for a one month extension of time under 37 C.F.R. § 1.136(a), and authorization is hereby granted to charge a one month extension of time fee under 37 C.F.R. § 1.17 to Deposit Account No. 50-3196. If the undersigned attorney is mistaken in regard to the length of the time extension and applicable time extension fee, Applicant conditionally petitions for an additional extension of time as needed, and authorization is hereby granted to charge

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all required time extension fees to the same Deposit Account. This Appeal Brief is therefore timely.

Authorization is also granted to charge to the same Deposit Account the Appeal Brief fee (37 C.F.R.

§ 41.20(b)(2)), and all other fees necessary to file this Appeal Brief.

I
REAL PARTY IN INTEREST

In this Appeal, the real party in interest is Dr. Catherine Lin-Hendel, an individual.

II
RELATED APPEALS AND INTERFERENCES

Applicant-Appellant and the undersigned attorney do not know of any other appeal, interference, or judicial proceeding that is related to, directly affects, is directly affected by, or has a bearing on the decision of the Board of Patent Appeals and Interferences in this Appeal.

III
STATUS OF CLAIMS

The status of claims in the instant application is as follows:

Claims 1-49 are pending in the application.

Claims 1-49 have been rejected.

Applicant appeals from the rejection of claims 1-49.

IV
STATUS OF AMENDMENTS

No amendments have been filed after the rejection of claims in the Final Office Action mailed on June 2, 2006.

V
SUMMARY OF CLAIMED SUBJECT MATTER

A. Independent Claims

Claim 1

Claim 1 is directed to a system for selecting and simultaneously displaying a plurality of digitally stored objects. *E.g.*, specification at 1, lines 16-21; *id.* at page 7, line 19, through page 8, line 2; *id.* page 11, lines 13-16.

The system includes means for displaying digitally stored objects via a webpage. *E.g.*, specification at page 16, lines 12-18; *id.* at page 17, lines 3-11; *id.* at page 18, lines 12-15; *id.* at page 19, lines 5-11.

The system further includes means for selecting on the webpage a plurality of the displayed digitally stored objects, each displayed digitally stored object having at least one dynamically linked associated destination object. *E.g.*, specification at page 7, line 19, through page 8, line 2; *id.* at page 11, lines 13-16; *id.* at page 12, lines 3-11 and 18-22; *id.* at page 13, lines 1-6 and 21-23; *id.* at page 14, lines 1-14; *id.* at page 15, line 8, through page 16, line 4; *id.* at page 16, lines 20-23; *id.* at page 17, line 14, through page 18, line 1; *id.* at page 18, lines 6-8; *id.* at page 19, lines 5-9.

The system further includes means for retrieving the at least one dynamically linked destination object for each selected one of the plurality of the displayed digitally stored objects together from a storage medium and then simultaneously displaying together in a single window the

retrieved destination objects for viewing. *E.g.*, specification at page 7, line 19, through page 8, line 2; *id.* page 8, lines 11-17; *id.* page 12, lines 3-11 and 18-22; *id.* page 13, lines 1-6; *id.* page 15, lines 8-13; *id.* page 16, line 20, through page 17, line 1; *id.* page 17, lines 18-20; *id.* page 18, lines 6-12; *id.* page 19, lines 5-11.

Claim 27

Claim 27 is directed to a method for selecting and simultaneously displaying a plurality of digitally stored objects. *E.g.*, specification at 1, lines 16-21; *id.* at page 7, line 19, through page 8, line 2; *id.* page 11, lines 13-16.

The method includes displaying an array of digitally stored objects. *E.g.*, specification, at page 11, lines 13-16; *id.* page 12, lines 3-11 and 18-21; *id.* page 16, lines 5-11; Fig. 13, Page/Container 1.

The method further includes selecting a plurality of digitally stored objects from the array of digitally stored objects, wherein each one of the selected plurality of digitally stored objects has at least one dynamically linked associated destination object. *E.g.*, specification, at page 7, line 19, through page 8, line 2; *id.* page 12, lines 3-11 and 18-21; *id.* page 16, lines 5-11; *id.* page 18, lines 6-8; Fig. 13, check boxes associated with links 1-3 and 5.

The method further includes, after the selecting step, retrieving the at least one dynamically linked destination object associated for each one of the selected plurality of digitally stored objects.

E.g., specification, at page 15, lines 9-13; *id.* page 16, line 20, through page 17, line 1; *id.* page 17, lines 18-20; *id.* page 18, lines 6-8; Fig. 13, leftmost Get Data From Server arrow (pointing to Page 2).

The method further includes simultaneously displaying all together each one of the retrieved associated destination objects in a single window. *E.g.*, specification, at page 11, lines 13-16; *id.* page 12, lines 3-11 and 18-22; *id.* page 13, lines 1-6; *id.* page 15, lines 9-13; *id.* page 16, line 23, through page 17, line 1; *id.* page 18, lines 6-8; Figs. 10C and 10D, display of luxury car information; Fig. 13, Page 2.

Claim 32

Claim 32 is directed to a system for displaying content viewed on a display device. *E.g.*, specification page 1, lines 16-24; *id.* page 11, lines 13-16.

The system includes a single electronic webpage displaying simultaneously together a plurality of scrolling sub-framed arrays. *E.g.*, specification, page 8, line 18, through page 9, line 6; *id.* page 11, lines 18-19; *id.* page 13, lines 16-19; *id.* page 19, lines 5-9; Figs. 9C and 9D, rug information sub-frames; Figs. 10C and 10D, luxury car information sub-frames; Fig. 13, Page 2 and Subframe Sets 1-3 and 5.

Each sub-framed array contains a frame containing a plurality of thumbnails and a plurality of independently selectable sub-frames. *E.g.*, specification, page 18, lines 9-15; Fig. 14, sub-frames and multiple thumbnails.

Each sub-framed array can be independently and selectively stopped and scrolled at a selective speed by a viewer or website operator. *E.g.*, specification, page 18, lines 15-19.

Claim 48

Claim 48 is directed to a system for displaying information. *E.g.*, specification page 1, lines 16-21; *id.* page 11, lines 13-16.

The system includes a computing device. *E.g.*, specification, page 19, lines 5-9. The computing device includes a display device. *E.g.*, specification page 19, lines 5-11. The computing device also includes an input device. *E.g.*, specification, page 14, lines 8-14.

The computing device is configured to enable a user using the input device to select from a webpage displayed on the display device a plurality of objects, resulting in a plurality of selected objects, each of the selected objects being associated with a linked destination object. *E.g.*, specification, page 11, lines 13-16; *id.* page 12, lines 3-11; *id.* page 14, lines 8-14; *id.* page 19, lines 5-9.

The computing device is further configured to enable the user to submit the plurality of selected objects for processing. *E.g.*, specification page 14, lines 8-14; *id.* page 19, lines 5-9.

The computing device is further configured to retrieve a linked destination object for each of the selected objects, resulting in a plurality of retrieved linked destination objects. *E.g.*, specification, at page 15, lines 9-13; *id.* page 16, line 20, through page 17, line 1; *id.* page 17, lines 18-20; *id.* page 18, lines 6-8; *id.* page 19, lines 5-9; Fig. 13, leftmost Get Data From Server arrow (pointing to Page 2).

The computing device is further configured to display within a single window on the display device the plurality of retrieved linked destination objects. *E.g.*, specification, at page 11, lines 13-16; *id.* page 12, lines 3-11 and 18-22; *id.* page 13, lines 1-6; *id.* page 15, lines 9-13; *id.* page 16, line 23, through page 17, line 1; *id.* page 18, lines 6-8; *id.* page 19, lines 5-9; Figs. 10C and 10D, display of luxury car information; Fig. 13, Page 2.

VI

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 7, 8, 12-24, 26, 27, 29, 31, 48, and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel *et al.*, U.S. Patent Number 6,211,874 (“Himmel” in this Appeal Brief) in view of Gibson, U.S. Patent Number 6,313,854 (“Gibson” in this Appeal Brief).
2. Claims 2-5, 32-34, and 40-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson, and further in view of Kaply, U.S. Patent Number 6,215,490 (“Kaply” in this Appeal Brief).
3. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson and Kaply, and further in view of Gilman *et al.*, U.S. Patent Number 6,208,770 (“Gilman” in this Appeal Brief).
4. Claims 9-11 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson, and further in view of Iyengar *et al.*, U.S. Patent Number 6,360,205 (“Iyengar” in this Appeal Brief).
5. Claims 25 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson, and further in view of what the Final Office Action asserted to be admitted prior art.

6. Claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson and Kaply, and further in view of Gavron *et al.*, How to Use Microsoft Windows NT 4 Workstation 105 (Ziff-Davis Press, 1996) (“Gavron” in this Appeal Brief).

7. Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson and Kaply, and further in view of Tang *et al.*, U.S. Patent Number 5,793,365 (“Tang” in this Appeal Brief).

8. Claims 37-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson and Kaply, and further in view of Itoh, U.S. Patent Number 5,966,122 (“Itoh” in this Appeal Brief).

9. Claim 44 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson and Kaply, and further in view of Moore *et al.*, U.S. Patent Number 6,330,575 (“Moore” in this Appeal Brief).

10. Claim 45 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson and Kaply, and further in view of Collins-Rector *et al.*, U.S. Patent Number 6,188,398 (“Collins-Rector” in this Appeal Brief).

11. Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson and Kaply, and further in view of what the Final Office Action asserted to be admitted prior art.

12. Claim 47 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson, Kaply, what the Office Action asserted to be admitted prior art, and further in view of Iyengar.

VII ARGUMENT

A. Applicant's Declarations Under Rule 1.131 Antedate References

Applicant may overcome a section 103 rejection based on a combination of references by showing completion of the invention before the effective date of any one of the references. *E.g.*, MANUAL OF PATENT EXAMINING PROCEDURE § 715.02(I) (8th ed., rev. 4, West 2006) (“MPEP” in this Appeal Brief). Here, Applicant has submitted three Declarations with attached Exhibits, pursuant to 37 C.F.R. § 1.131: (1) Declaration dated December 18, 2003 (“First Rule 131 Declaration” in this Appeal Brief); (2) Declaration dated September 30, 2004 (“Second Rule 131 Declaration” in this Appeal Brief); and (3) Declaration dated February 27, 2006 (“Third Rule 131 Declaration” in this Appeal Brief). Applicant argued that the three Rule 131 Declarations establish that the invention as recited in independent claims 1 and 27 was reduced to practice before the effective date of the Himmel reference.

In response to the three Rule 131 Declarations, the Final Office Action (at page 20) made three related points. First, the Final Office Action asserted that “Exhibits 1-3 are merely a description of the concept of the invention.” Second, the Final Office Action stated that “[a]s already explained in the previous action, Exhibits 1-3 do not show the claimed invention.” Third, according to the Final Office Action, “[t]here is not enough evidence to clearly prove the relationship between Exhibits 1-3 and the claims.”

Initially, note that all three points refer solely to the Exhibits, and not to the Declarations. The focus of the inquiry was exclusively on the Exhibits. It appears, that Applicant’s explanations of

reduction to practice made in the three Rule 131 Declarations have not been considered. The Declarations were considered, if at all, only to the extent that they introduced the Exhibits. This is error, for Applicant may properly rely on both Declarations and Exhibits to show reduction to practice before the effective date of a reference. *See Ex parte Swaney*, 89 U.S.P.Q. 618 (Pat. Off. Bd. App. 1950). Applicant may properly rely on the showing of facts in the Declarations themselves to antedate a reference. Indeed, “failure to give probative weight to the Rule 131 declarations constitutes reversible error.” *Ex parte Ovshinsky*, 10 U.S.P.Q.2d 1075, 1076 (Bd. Pat. App. & Inter. 1989). “Inventors’ affidavits have always been admissible to antedate a reference.” *Loral Fairchild Corp. v. Matsushita Elec. Indus. Co.*, 266 F.3d 1358, 2001 U.S. App. LEXIS 20855,*21, 60 U.S.P.Q.2d 1361 (Fed. Cir. 2001).

Applicant stated that she reduced to practice a system and a method for selecting and simultaneously displaying, as recited in claims 1 and 27, respectively. See the Third Rule 131 Declaration, numbered paragraphs 4-6 (pages 1-2). Applicant also made the same or substantially the same statements regarding the previous version of the claims. See the First Rule 131 Declaration, numbered paragraphs 2-4 (pages 1-2). In the Second Rule 131 Declaration, Applicant provided specific details of the reduction to practice. In numbered paragraph 2 of the Second Rule 131 Declaration, Applicant stated that she conceived the basic concept of the invention in January 1996, and “[f]rom January to March of 1996 I was able to put together a variety of mock-up data and programs in the same computer to demonstrate the basic premise of the concept.” Second Rule 131 Declaration, page 1. Both the First and the Second Rule 131 are supported with Exhibits.

Exhibit 1 attached to the First Rule 131 Declaration shows “a webpage template . . . including a two-dimensional array wherein each item of the array is capable of being individually selected (see the checked boxes.” First Rule 131 Declaration, page 3, and Exhibit 1. The same Exhibit also shows a “‘Submit’ button . . . provided to submit a plurality of selected items simultaneously.” First Rule 131 Declaration, page 3, and Exhibit 1. Further, Exhibit 3 attached to the First Rule 131 Declaration “illustrates a sample display format for the simultaneous display of all objects and related items stored for all the selected items of Exhibit 1 and/or 2.” First Rule 131 Declaration, page 3. The First Rule 131 Declaration also establishes that the draft code implementing the invention was tested in 1997, before the effective date of the Himmel and Gibson references. First Rule 131 Declaration, page 3 (description of Exhibits 2 and 3). Thus, the Exhibits attached to the First Rule 131 Declaration corroborate Applicant’s statements regarding reduction to practice of the system and method for selecting a plurality of objects and then simultaneously displaying the objects and their related items, as recited in independent claims 1 and 27.

The Exhibits attached to the Second Rule 131 Declaration provide additional proof of reduction to practice prior to the effective date of the references. Exhibit 1 of the Second Rule 131 Declaration includes an entry in the Applicant’s notes made during the implementation of the invention. The entry, dated September 30, 1996, reads as follows:

It has been pain in the neck coding all data paths and file name into my Multi-Select demo. I used some rug photographs to compose a catalog graphical thumbnails folder, a detailed graphics folder, and mock-up descriptions into another linked text folder, and mock up auction files for each rug. I was able to show the thumbnails in a graphical array, and java scripted a primitive multi-select function, and submit function to fetch all data regarding the number of selected rug-thumbnails at once, and display at once for comparison conveniences. It was so much work, I only coded the first two rows of rugs into the java script. The selection of other rugs beyond the first two rows would not work in a demo.

Second Rule 131 Declaration, Exhibit 1.

Claims 1 and 27 substantially read on the embodiment (“demo”) described in this entry. The embodiment included a means for displaying (“I was able to show the thumbnails,” “display at once for comparison conveniences”). The embodiment also included means for selecting (“java scripted a primitive multi-select function, and submit function to fetch all data regarding the number of selected rug-thumbnails at once”). The embodiment further included means for retrieving (“fetch all data regarding the number of selected rug-thumbnails”). The displayed objects were linked to the destination objects (“I used some rug photographs to compose a catalog graphical thumbnails folder, a detailed graphics folder, and mock-up descriptions into another linked text folder, and mock up auction files for each rug”). The retrieved objects were displayed simultaneously together (“display at once for comparison conveniences”).

We now address the second point made in the Final Office Action, which referred to the statements in the previous Office Action to the effect that “Exhibits 1-3 do not show the claimed invention.” The previous Office Action was mailed on November 29, 2005. It asserted on page 18 that in the First and Second Rule 131 Declarations there was no explanation of the Exhibits or positive statements to support the limitation of “simultaneously displaying together *in a single window* the retrieved destination objects for viewing.” Although Exhibit 3 attached to the First Rule 131 Declaration shows a sample display format for the simultaneous display of all objects and related items stored for all of the selected items in a single window, we submitted the Third Rule 131 Declaration, in which Applicant clarified that the simultaneous display was in a “single window.” This should have sufficed to antedate the references, because the Exhibits need not show the

presence of every feature recited in the claims. As discussed above, Applicant may properly rely on the showing of facts in the Declarations themselves, not just the evidence in the Exhibits. *See Ex parte Ovshinsky*, 10 U.S.P.Q.2d 1075, 1076 (B.P.A.I. 1989).

Turning now to the third point made in the Final Office Action, about “the relationship between Exhibits 1-3 and the claims,” the above discussion of reduction to practice establishes the relationship between the claims and the Declarations/Exhibits.

The character and weight of the three Rule 131 Declarations and their Exhibits establish reduction to practice of the invention of claims 1 and 27 prior to the effective date of the references. The scope of claim 48 is similar to the scope of claims 1 and 27, and the Declarations similarly establish reduction to practice of the subject matter of claim 48 prior to the effective date of the Himmel references.

B. Motivation to Combine Himmel and Gibson References is Lacking

A *prima facie* case of obviousness requires “some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” MPEP § 2143. The suggestion must be found in the prior art, “not in applicant’s disclosure.” *Id.* With respect to claims 1, 27, and 48, the explanation of the motivation to combine Himmel and Gibson given in the Final Office Action reads in its entirety as follows: “It would have been obvious to an artisan at the time of the invention to use the teaching from Gibson of displaying a plurality of stored window objects displayed within a single window since users can more effectively manipulate and manage the viewable area of the browser

while preserving the advantages of frames.” Final Office Action, at page 3. Stripped from the boilerplate verbiage, the reason to combine Himmel and Gibson given in the Final Office Action is to enable users to “more effectively manipulate and manage the viewable area of the browser while preserving the advantages of frames.” The Final Office Action did not cite any specific prior art that teaches this motivation. If the statement in the Final Office Action means that the advantages of the claimed apparatus and method would have provided the requisite motivation, then the purported motivation was taken from Applicant’s disclosure. But, as noted above, Applicants disclosure should not be used to make a *prima facie* case of obviousness. *E.g.*, MPEP § 2143; *In re Glaug*, 62 U.S.P.Q.2d 1151, 1155 (Fed. Cir. 2002) (“An inventor’s explanation of how the invention works does not render obvious that which is otherwise unobvious.”). If a different justification for the motive to combine was intended, then some reasoning supporting the offered motivation must be provided to make the *prima facie* case. “When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper.” MPEP § 2142 (citing *Ex parte Skinner*, 2 U.S.P.Q.2d 1788 (Bd. Pat. App. & Inter. 1986).

Because the Final Office Action failed to articulate a motivation to combine Himmel and Gibson, other than the motivation from Applicant’s disclosure, the Final Office Action has failed to make a *prima facie* case of obviousness of independent claims 1, 27, and 48.

C. Gibson Does Not Teach Display in a Single Window of Objects Associated With *Selected Objects*

The Final Office Action acknowledged (page 3) that “Himmel does not disclose the plurality

of stored objects displayed within a single window.” The Final Office Action then attempted to supplement this admitted deficiency of Himmel with the disclosure of Gibson. In particular, the Final Office Action asserted that “Gibson discloses a plurality of stored window objects 112a, 112b and 112c displayed within a single window 114,” citing Gibson’s Figure 6 and column 8, lines 6-43. But the claim limitations in question do not simply require simultaneous display in a single window of a plurality of stored window objects, as the Final Office Action implies. The methods and apparatus of recited in independent claims 1, 27, and 48 require simultaneously displaying a plurality of destination objects each one of which is associated with a selected object, for example, a user-selected object. In contrast, Gibson’s Figure 6 “is a pictorial representation of the creation of multiple child windows in a web browser wherein each child window corresponds to a respective frame defined by a web page,” Gibson, col. 5, lines 45-48 (emphasis added). Gibson’s child windows shown in Figure 6 are thus *defined by a web page*, not *selected* by the user.

We elaborate this point further for each of the independent claims 1, 27, and 48 under separate headings below.

D. Patentability of Claim 1

For convenience, independent claim 1 is set forth below, with selected pertinent portions underlined for emphasis:

1. A system for selecting and simultaneously displaying a plurality of digitally stored objects, comprising:

means for displaying digitally stored objects via a webpage;

means for selecting on said webpage a plurality of the displayed digitally stored objects, each displayed digitally stored object having at least one dynamically

linked associated destination object; and

means for retrieving the at least one dynamically linked destination object for each selected one of the plurality of the displayed digitally stored objects together from a storage medium and then simultaneously displaying together in a single window the retrieved destination objects for viewing.

According to claim 1, each of the digitally stored objects is associated with a linked destination object. The means for retrieving retrieves and simultaneously displays a destination objects for each selected one of the plurality of the displayed digitally stored objects. Therefore, the retrieved and simultaneously displayed destination objects are associated with the objects displayed on the original webpage and then selected from the original webpage. As discussed in more detail under heading “C” above, Gibson’s child windows shown in Figure 6 are *defined by a web page, not selected* by the user or otherwise.

Applicant respectfully submits that claim 1 is patentable over the Himmel and Gibson references because the references fail to disclose or suggest all limitations of claim 1. Applicant further submits that claim 1 is patentable because the Final Office Action has not offered a motivation to combine Himmel and Gibson, and therefore failed to make a *prima facie* of obviousness of claim 1. Applicant also submits that claim 1 is patentable because the three Rule 131 Declarations antedate Himmel and Gibson.

E. Patentability of Claim 27

Independent claim 27 is set forth below, with selected pertinent portions underlined for emphasis:

27. A method for selecting and simultaneously displaying a plurality of digitally stored objects, comprising the steps of:

displaying an array of digitally stored objects;

selecting a plurality of digitally stored objects from the array of digitally stored objects, wherein each one of the selected plurality of digitally stored objects has at least one dynamically linked associated destination object;

after the selecting step, retrieving the at least one dynamically linked destination object associated for each one of the selected plurality of digitally stored objects; and

simultaneously displaying all together each one of the retrieved associated destination objects in a single window.

According to the method of claim 27, each of the selected digitally stored objects has a linked associated destination object. The method requires retrieving and simultaneously displaying the associated destination objects for each of the selected objects. Therefore, the retrieved and simultaneously displayed destination objects are associated with the objects originally displayed and selected. As discussed in more detail under heading “C” above, Gibson’s child windows shown in Figure 6 are *defined by a web page, not selected* by the user or otherwise.

Applicant respectfully submits that claim 27 is patentable over the Himmel and Gibson references because the references fail to disclose or suggest all limitations of claim 27. Applicant further submits that claim 27 is patentable because the Final Office Action has not offered a motivation to combine Himmel and Gibson, and therefore failed to make a *prima facie* of obviousness of claim 27. Applicant also submits that claim 27 is patentable because the three Rule 131 Declarations antedate Himmel and Gibson.

F. Patentability of Claim 48

Independent claim 48 is set forth below, with selected pertinent portions underlined for emphasis:

48. A system for displaying information, the system comprising a computing device, the computing device comprising a display device and an input device, wherein the computing device is configured to:

enable a user using the input device to select from a webpage displayed on the display device a plurality of objects, resulting in a plurality of selected objects, each of the selected objects being associated with a linked destination object;

enable the user to submit the plurality of selected objects for processing;

retrieve a linked destination object for each of the selected objects, resulting in a plurality of retrieved linked destination objects; and

display within a single window on the display device the plurality of retrieved linked destination objects.

Thus, claim 48 recites a computing device configured to display within a single window on the display device the plurality of *retrieved linked destination objects*. The *retrieved linked destination objects* result from retrieving a linked destination object *for each of the selected objects*. The selected objects are selected by the user. Therefore, the retrieved and simultaneously displayed destination objects are associated with the objects originally displayed and then *selected by the user*. As discussed in more detail under heading “C” above, Gibson’s child windows shown in Figure 6 are *defined by a web page, not selected* by the user.

Applicant respectfully submits that claim 48 is patentable over the Himmel and Gibson references because the references fail to disclose or suggest all limitations of claim 48, and specifically do not disclose displaying in a single window a plurality of destination objects associated

with selected objects. Applicant further submits that claim 48 is patentable because the Final Office Action has not offered a motivation to combine Himmel and Gibson, and therefore failed to make a *prima facie* of obviousness of claim 48. Applicant also submits that claim 48 is patentable because the three Rule 131 Declarations antedate Himmel and Gibson.

G. Patentability of Claim 32

In rejecting independent claim 32, the Final Office Action acknowledged (at page 8) that “Himmel does not disclose the plurality of scrolling sub-framed arrays displayed within a single electronic webpage.” The Final Office Action then sought to supplement Himmel with the teachings of Gibson and Kaply, asserting that “Gibson discloses a plurality of scrolling sub-framed arrays 112a, 112b and 112c displayed within a single electronic webpage 114 (fig. 6; col. 8, lines 6-43).” The Final Office Action reiterated (page 9) essentially the same rationale for combining Himmel and Gibson as discussed under heading “B” above: “since users can more effectively manipulate and manage the viewable area of the browser while preserving the advantages of frames.” Applicant submits that this rationale is impermissibly based on Applicant’s disclosure, for no other source was given in the Final Office Action.

Moreover, even if Gibson discloses a plurality of sub-frames within a webpage, Gibson’s invention is intended for “displaying separate windows for respective frames, and enabling one or more window operations for each of the windows, such as resizing, minimizing, maximizing, and closing each of the windows.” Gibson, the Abstract (emphasis provided). With respect to Figure 6 cited in the Final Office Action, Gibson states that it “is a pictorial representation of the creation of

multiple child windows in a web browser wherein each child window corresponds to a respective frame defined by a web page," Gibson, col. 5, lines 45-48 (emphasis provided). In fact, Gibson apparently teaches that frames within a webpage window are not desirable:

Frames are not child windows; that is, they are not resizable or otherwise controllable, since their attributes are fixed by the HTML coding. This aspect of frames can be very frustrating, because certain frames often take up so much of the web browser display area that other important frames are difficult to examine. In the example of FIG. 3, the web page has been constructed to provide one frame (17a) with a few control buttons or hypertext links to other pages at the web site, another frame (17b) having an advertisement, and the third frame (17c) containing the information which is of actual interest to the user. As a result, the viewable area assigned to frame 17c is considerably small, making the contents more difficult to read. This smaller presentation area can also make it more difficult to scroll through the frame using the scroll button. These difficulties are exacerbated when the parent browser window uses less than the full display area (i.e., the browser is in a restored state). Additionally, the advertisement in frame 17b might be presented with automated blinking, scrolling or highlighting which is very distracting, and can be particularly aggravating since that frame cannot be removed or reduced in size. Moreover, the web site may be designed such that the unwanted advertisement frame 17b persists even when other files are loaded into the other frames.

Older web browsers do not support frames,

Gibson, col. 4, lines 1-25.

In discussing all these disadvantages of having frames within a displayed webpage, Gibson apparently teaches away from displaying multiple sub-frames in a webpage window, as recited in independent claim 32. Not only the art of record does not suggest a motivation to combine Gibson with Himmel and Kaply so as to obtain the subject matter of claim 32, but in fact the art apparently teaches away from such combination.

Applicant respectfully submits that independent claim 32 is allowable over Himmel, Gibson, and Kaply because the Final Office Action has not offered a sufficient motivation to combine

Himmel and Gibson, and therefore failed to make a *prima facie* of obviousness of claim 1, as discussed under this heading and heading “B” above.

H. Patentability of Claims 7, 8, 12-24, 26, 29, 31, and 49

Each of these claims depends from base claim 1, 27, or 48. Applicant respectfully submits that dependent claims 7, 8, 12-24, 26, 29, 31, and 49 are patentable at least for the reasons discussed above in relation to their respective base claims.

I. Patentability of Claims 2-5, 33, 34, and 40-43

Each of these claims depends from base claim 1 or 32. Applicant respectfully submits that dependent claims 2-5, 33, 34, and 40-43 are patentable at least for the reasons discussed above in relation to their respective base claims.

J. Patentability of Claim 6

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson and Kaply, and further in view of Gilman. Claim 6 depends from base claim 1. Applicant respectfully submits that dependent claim 6 is patentable at least for the reasons discussed above in relation to its base claim 1.

Furthermore, the three Rule 131 Declarations antedate Gilman. Applicant respectfully submits that claim 6 is separately patentable for this reason.

Still further, the Final Office Action (page 11) offered the following motivation for combining Gilman with Himmel and Gibson: “since it would adjust the number of graphical thumbnails to fit on the screen, and it would give a better arrangement of the thumbnails on the screen by the users.” The Final Office Action did not cite any specific prior art that teaches this motivation. If the statement in the Final Office Action means that the advantages of the claimed apparatus and method would provide the requisite motivation, then the purported motivation was taken from Applicant’s disclosure. Applicant’s disclosure, however, should not be used to make a *prima facie* case of obviousness. *E.g.*, MPEP § 2143. If a different justification for the motivation to combine was intended, then some reasoning in support of the motivation must be provided to make the *prima facie* case. Applicant respectfully submits that claim 6 is separately patentable for this additional reason.

K. Patentability of Claims 9-11 and 28

Claims 9-11 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson, and further in view of Iyengar. Each of these claims depends from base claim 1 or 27. Applicant respectfully submits that dependent claims 9-11 and 28 are patentable at least for the reasons discussed above in relation to their respective base claims.

Furthermore, the three Rule 131 Declarations submitted by Applicant antedate Iyengar. Applicant respectfully submits that claims 9-11 and 28 are separately patentable for this reason.

Still further, the Final Office Action (page 12) offered the following purported motivation for combining Iyengar with Himmel and Gibson: “checkbox method is well known and widely used

when selecting multiple objects on web pages.” Knowledge of a limitation in issue does not amount to a motivation to combine. Applicant respectfully submits that claims 9-11 and 28 are separately patentable for this additional reason.

L. Patentability of Claims 25 and 30

Each of these claims depends from base claim 1 or 27. Applicant respectfully submits that dependent claims 25 and 30 are patentable at least for the reasons discussed above in relation to their respective base claims.

M. Patentability of Claim 35

Claim 35 depends from base claim 32. Applicant respectfully submits that dependent claim 35 is patentable at least for the reasons discussed above in relation to its base claim 32.

N. Patentability of Claim 36

Claim 36 depends from base claim 32. Applicant respectfully submits that dependent claim 36 is patentable at least for the reasons discussed above in relation to its base claim 32.

O. Patentability of Claims 37-39

Each of these claims depends from base claim 32. Applicant respectfully submits that dependent claims 37-39 are patentable at least for the reasons discussed above in relation to their base claim 32.

P. Patentability of Claim 44

Claim 44 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Gibson and Kaply, and further in view of Moore. Claim 44 depends from base claim 32. Applicant respectfully submits that dependent claim 44 is patentable at least for the reasons discussed above in relation to its base claim 32.

Furthermore, the Final Office Action (page 17) offered the following motivation for combining Moore with Himmel and Gibson: “since it would allow the user to process the commercial transaction immediately after viewing an interested thumbnail” The Final Office Action did not cite any specific prior art that teaches this motivation. If the statement in the Final Office Action means that the advantages of the claimed apparatus and method would provide the requisite motivation, then the purported motivation was taken from Applicant’s disclosure. Applicants disclosure, however, should not be used to make a *prima facie* case of obviousness. E.g., MPEP § 2143. If a different justification for the motivation to combine was intended, then some reasoning in support of the motivation must be provided to make the *prima facie* case. Applicant respectfully submits that claim 6 is separately patentable for this reason.

Q. Patentability of Claim 45

Claim 45 depends from base claim 32. Applicant respectfully submits that dependent claim 45 is patentable at least for the reasons discussed above in relation to its base claim 32.

R. Patentability of Claim 46

Claim 46 depends from base claim 32. Applicant respectfully submits that dependent claim 46 is patentable at least for the reasons discussed above in relation to its base claim 32.

S. Patentability of Claim 47

Claim 47 depends from base claim 32. Applicant respectfully submits that dependent claim 47 is patentable at least for the reasons discussed above in relation to its base claim 32.

VIII
CONCLUSION

For the foregoing reasons, Applicant-Appellant respectfully submits that all pending claims are patentable and requests reversal of the rejections.

Respectfully submitted,



Dated: November 30, 2006

Anatoly S. Weiser, Esq., Reg. No. 43,229
Intellectual Property Legal Counsel
3525 Del Mar Heights Road, #295
San Diego, CA 92130



LH 001

CLAIMS APPENDIX

The following is a listing of the claims in the application. All claims have been rejected and are involved in this Appeal.

1. A system for selecting and simultaneously displaying a plurality of digitally stored objects, comprising:

means for displaying digitally stored objects via a webpage;

means for selecting on said webpage a plurality of the displayed digitally stored objects, each displayed digitally stored object having at least one dynamically linked associated destination object; and

means for retrieving the at least one dynamically linked destination object for each selected one of the plurality of the displayed digitally stored objects together from a storage medium and then simultaneously displaying together in a single window the retrieved destination objects for viewing.

2. The system according to Claim 1, further comprising

means for providing a two-dimensional array of graphical thumbnails of the digitally stored objects.

3. The system according to Claim 2, wherein the graphical thumbnails in the two-dimensional array can be selectively scrolled at any one of a plurality of speeds and can be selectively stopped from scrolling.

4. The system according to Claim 2, wherein the graphical thumbnails in the two-dimensional array can be selectively scrolled vertically.

5. The system according to Claim 2, wherein the graphical thumbnails in the two-dimensional array can be selectively scrolled horizontally.

6. The system according to Claim 2, wherein the two-dimensional array of graphical thumbnails has a selectively adjustable number of columns and rows.

7. The system according to Claim 1, further comprising means for sub-framing information associated with the selected plurality of digitally stored objects.

8. The system according to Claim 7, wherein the sub-framing means includes a horizontal dynamic scroll bar and a vertical dynamic scroll bar that allow an orderly arrangement and presentation of textual information.

9. The system according to Claim 1, wherein:

the selection means includes a different check box associated with each one of the plurality of digitally stored objects;

the retrieval means includes a submit button;

each one of the plurality of displayed digitally stored objects adapted to be selected one at a time by using a computer input device to select a different check box such that a check appears in the check box; and

invoking the submit button using the computer input device retrieves together and simultaneously displays together the associated destination objects.

10. The system according to Claim 1, wherein:

the selection means includes a different check box associated with each one of the plurality of digitally stored objects;

the retrieval means includes a "go" button;

each one of the plurality of displayed digitally stored objects adapted to be selected one at a time by using a computer input device to select a different check box such that a check appears in the check box; and

invoking the "go" button using the computer input device retrieves together and simultaneously displays together the associated destination objects.

11. The system according to Claim 10, wherein single clicking on the selected check box de-selects a link to the associated destination object so that the check box reverts to being unchecked indicating that the associated destination object is un-selected.

12. The system according to Claim 1, wherein:

the selection means is adapted to select each selected displayed digitally stored object of the selected plurality of displayed digitally stored objects one at a time by pointing to a different link-token associated with each different one of the plurality of displayed digitally stored objects and, after all of the selected plurality of displayed digitally stored objects have been selected, single clicking a computer mouse button; and

double clicking the computer mouse button retrieves together and simultaneously displays together the associated destination objects.

13. The system according to Claim 12, wherein each one of the different associated link-tokens is a first color and each time one of the plurality of digitally stored objects is selected by single clicking the computer mouse button, the first color changes to a second color to indicate the selection of the digitally stored object.

14. The system according to Claim 13, wherein each one of the selected link-tokens changes to a third color when a browser returns to a list of the plurality of digitally stored objects from the retrieved and simultaneously displayed associated destination objects.

15. The system according to Claim 13, wherein single clicking on the selected link-token de-selects the link-token so that the link-token reverts to the first color indicating the de-selection of the link-token.

16. The system according to Claim 1, wherein the selection means comprises:
means for selecting the plurality of digitally stored objects one at a time by pointing to and clicking on a different link-token associated with each different one of the plurality of digitally stored objects.

17. The system according to Claim 16, wherein each one of the associated link tokens is a first color and each time one of the plurality of digitally stored objects is selected the first color changes to a second color to indicate the selection of the digitally stored object.

18. The system according to Claim 1, wherein the selection means are employed and the retrieval means are invoked using a computer mouse having a first button and a second button, the plurality of digitally stored objects being selected one at a time by pointing to a different link-token associated with each different one of the plurality of digitally stored objects and clicking the first computer mouse button, and then after all of the plurality of digitally stored objects have been selected, clicking the second computer mouse button to retrieve and simultaneously display the associated destination objects.

19. The system according to Claim 18, wherein a first one of the retrieved associated destination objects simultaneously displayed for viewing is made larger than the other simultaneously displayed destination objects by using a computer input device to invoke the first destination object.

20. The system according to Claim 18, wherein when the computer input device is used to invoke a second one of the retrieved associated destination objects simultaneously displayed for viewing, the first destination object returns to the same smaller size of the other simultaneously displayed destination objects and the second destination object is made larger than the other simultaneously displayed destination objects.

21. The system according to Claim 18, wherein each one of the different associated link-tokens is a first color and each time one of the digitally stored objects is selected using a computer input device, the first color changes to a second color to indicate the selection of the digitally stored object, and wherein the second color changes to a third color when a browser returns to a list of the displayed digitally stored objects from the retrieved and simultaneously displayed associated destination objects.

22. The system according to Claim 1, wherein the system is used on a personal computer.

23. The system according to Claim 1, wherein the system is used on a computer network.

24. The system according to Claim 1, wherein the system is used with a CD-ROM.

25. The system according to Claim 1, wherein the system is used on a wireless device.

26. The system according to Claim 1, wherein the system is implemented using software.

27. A method for selecting and simultaneously displaying a plurality of digitally stored objects, comprising the steps of:

displaying an array of digitally stored objects;

selecting a plurality of digitally stored objects from the array of digitally stored objects, wherein each one of the selected plurality of digitally stored objects has at least one dynamically linked associated destination object;

after the selecting step, retrieving the at least one dynamically linked destination object associated for each one of the selected plurality of digitally stored objects; and

simultaneously displaying all together each one of the retrieved associated destination objects in a single window.

28. The method according to Claim 27, wherein a different check box is associated with each one of the plurality of digitally stored objects and,

said selecting step comprises the steps of:

selecting each one of the plurality of digitally stored objects one at a time by using a computer input device to invoke a different check box such that a check appears in the check box; and

said retrieving step includes the step of:

invoking a submit button using the input device to retrieve and simultaneously display the associated destination objects.

29. The method according to Claim 27, wherein said selecting step comprises the step of: selecting each one of the plurality of digitally stored objects one at a time by using a computer mouse to point to a different token link associated with each different one of the plurality of digitally stored objects and single clicking a computer mouse button; and

said retrieving step comprises the step of:

after all of the digitally stored objects have been selected, double clicking the computer mouse button to retrieve and simultaneously display the associated objects.

30. The method according to Claim 27, wherein a computer mouse having a first button and a second button is used to select the plurality of digitally stored objects and to retrieve the associated destination objects,

said selecting step comprises the step of:

selecting each one of the plurality of digitally stored objects one at a time by pointing to a different token link associated with each different one of the plurality of digitally stored objects and clicking the first computer mouse button while holding down the second computer mouse button, and

said retrieving step comprises the step of:

after all of the digitally stored objects have been selected, clicking the first computer mouse button without holding the second computer mouse button to retrieve and simultaneously display the associated objects.

31. The method according to Claim 27, wherein primarily textual content associated with each one of the retrieved associated objects is sub-framed.

32. A system for displaying content viewed on a display device, comprising:
a single electronic webpage displaying simultaneously together a plurality of scrolling sub-framed arrays, each sub-framed array containing a frame containing a plurality of thumbnails and a plurality of independently selectable sub-frames, each sub-framed array able to be independently and selectively stopped and scrolled at a selective speed by a viewer or website operator.

33. The system according to Claim 32, wherein when a page loads for a first time a default category selected by a website operator is displayed, and when the page loads for a time other

than the first time, a category corresponding to the category last viewed by the viewer when they accessed the page is displayed.

34. The system according to Claim 32, wherein each sub-framed array includes a progress bar indicating how much of the total array has been viewed, the bar also indicating the beginning and end of the sub-framed array.

35. The system according to Claim 32, wherein when a viewer moves a cursor to a thumbnail of interest, the sub-framed array stops rolling and high level information regarding the thumbnail appears in a dialog box positioned approximate to the thumbnail of interest.

36. The system according to Claim 32, wherein selecting a thumbnail of interest results in a larger image of the thumbnail appearing with more detailed information in a sub-frame that the viewer can scroll manually or that can be automatically scrolled.

37. The system according to Claim 32, wherein when a viewer selects a thumbnail of interest, a border surrounding the thumbnail is highlighted.

38. The system according to Claim 37, wherein a color of the highlighted border changes to indicate that the image has been selected and viewed.

39. The system according to Claim 38, wherein if after viewing the thumbnail the viewer is not interested in the selected thumbnail, the viewer can close the image and the color of the highlighted border changes or disappears to indicate that the thumbnail was viewed but of no further interest to the viewer.

40. The system according to Claim 32, wherein when a viewer removes a cursor from a thumbnail, the sub-framed array in which the thumbnail resides resumes scrolling.

41. The system according to Claim 32, wherein the position of the thumbnail relative to the sub-frame array is selectively controllable by the viewer or a website operator.

42. The system according to Claim 32, wherein the enlarged image of the thumbnail can be selectively programmed to remain on-screen, be minimized or pushed to the background.

43. The system according to Claim 32, wherein the page can display any desired number of sub-frame arrays of interest, the sub-frame arrays able to be manually or automatically extended beyond the screen, scrolled horizontally and vertically, or resized so that all of the sub-frame arrays are viewable.

44. The system according to Claim 32, wherein sub-frame arrays that have been selected can be enlarged and can include transactional commands to process a commercial transaction.

45. The system according to Claim 32, wherein the thumbnails display advertising.

46. The system according to Claim 32, wherein the webpage includes at least one textual link and at least one graphical link, each link representing a different category of information.

47. The system according to Claim 46, wherein the webpage includes at least one control element for controlling the textual and graphical links.

48. A system for displaying information, the system comprising a computing device, the computing device comprising a display device and an input device, wherein the computing device is configured to:

enable a user using the input device to select from a webpage displayed on the display device a plurality of objects, resulting in a plurality of selected objects, each of the selected objects being associated with a linked destination object;

enable the user to submit the plurality of selected objects for processing;
retrieve a linked destination object for each of the selected objects, resulting in a plurality of retrieved linked destination objects; and

display within a single window on the display device the plurality of retrieved linked destination objects.

49. The system of claim 48, wherein each object of the plurality of retrieved linked destination objects is displayed in a separate sub-frame within the single window.

EVIDENCE APPENDIX

Applicant-Appellant has submitted three Declarations with Exhibits pursuant to 37 C.F.R. §1.131. Applicant-Appellant is relying on the three Declarations and their Exhibits. The Declarations and the Exhibits are attached as part of this Evidence Appendix.



Serial No. 09/544,036

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of C. Lin-Hendel : Group Art Unit: 2174
Serial No. 09/544,036 : Examiner: Gary D. Nguyen
Filed: April 6, 2000 : Date: December 18, 2003
For : DYNAMIC ARRAY PRESENTATION
AND MULTIPLE SELECTION OF
DIGITALLY STORED OBJECTS AND
CORRESPONDING LINK TOKENS
FOR SIMULTANEOUS
PRESENTATION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TO THE COMMISSIONER OF
PATENTS AND TRADEMARKS

DECLARATION UNDER 37 C.F.R. 1.131

1. I am Catherine Lin-Hendel PhD., the Inventor and the Declarant herein.
All statements made herein are made from my own personal knowledge
and submitted evidence.
2. In this country, I invented and reduced into practice the subject matter of
the rejected claims prior to March 15, 1998, the effective date of Himmel
et al., U.S. Patent No. 6,211,874.
3. Prior to March 15, 1998, through a process of experimentation and
development, I invented and reduced to practice a system for selecting and
simultaneously displaying a plurality of digitally stored objects,

Serial No.: 09/544,036

comprising: means for displaying digitally stored objects via a webpage; means for selecting on said webpage a plurality of the displayed digitally stored objects, each displayed digitally stored object having at least one dynamically linked associated destination object; and means for retrieving the at least one dynamically linked destination object for each selected one of the plurality of the displayed digitally stored objects together from a storage medium and then simultaneously displaying together the retrieved destination objects for viewing. (Claim 1)

4. Prior to March 15, 1998, I invented and reduced to practice a method for selecting and simultaneously displaying a plurality of digitally stored objects, comprising the steps of: displaying a two dimensional array of digitally stored objects; selecting a plurality of digitally stored objects from the two dimensional array of digitally stored objects, wherein each one of the selected plurality of digitally stored objects has at least one dynamically linked associated destination object; after the selecting step, retrieving the at least one dynamically linked destination object associated for each one of the selected plurality of digitally stored objects all together; and simultaneously displaying all together each one of the retrieved associated destination objects. (Claim 27)

EVIDENCE

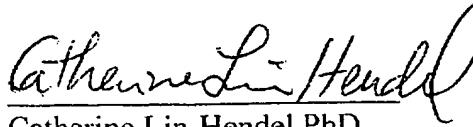
Exhibit 1 is illustrative of a webpage template (printed over two pages) copyrighted 1997 illustrating the claimed elements including a two-dimensional array wherein each item of the array is capable of being individually selected (see the checked boxes). A "Submit" button is also provided to submit a plurality of selected items simultaneously.

Exhibit 2 is illustrative of another webpage template (printed over two pages) copyrighted 1997 of draft code tested in 1997. The webpage template illustrates the claimed elements without the main navigation tool typically of a website for navigation to other parts of the website.

Exhibit 3 illustrates a sample display format for the simultaneous display of all objects and related items stored for all of the selected items of Exhibit 1 and/or 2. The Exhibits 1 and 2 are draft code of the invention reduced to practice. The draft code was tested in 1997 using Exhibits 1, 2 and 3. The draft code of the Exhibits was tested with a browser Off Line on a personal computer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both,

Serial No.: 09/544,036
under Section 1001 of Title 18, of the United States Code, and that such false statements may jeopardize the validity of this Declaration, or any patent to which this verified statement is directed.


Catherine Lin-Hendel
Catherine Lin-Hendel PhD.

Dated: December 18, 2003
Summit, New Jersey

EXHIBIT 1



BON VIVRE

Bon Vivre | Living Rooms | Rugs |

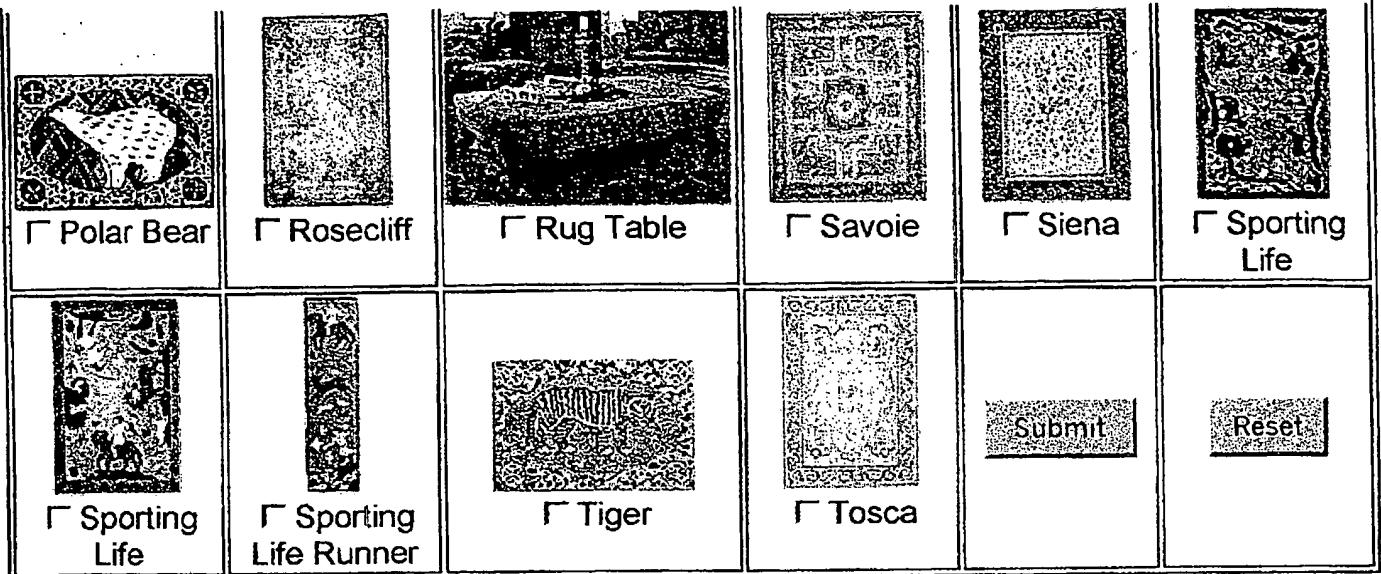
- THE PORTAL TO GOOD LIVING
- Auctions
 - Build to Order
 - Special Sales
 - Shopping
 - Audio Guide
 - MyBonVivre
 - MyEvents
 - MyFavorites
 - MyMail
 - Rehistration
 - CommCierge
 - MyCierge
 - WebCierge
 - Customer Service
 - Online Help
 - Bulletin Board
 - Magazines
 - News, Events
 - Chat, Forum
 - RFP | RFQ



BON VIVR

Rugs

<input checked="" type="checkbox"/> Algarve	<input type="checkbox"/> Camel	<input checked="" type="checkbox"/> Carlise	<input type="checkbox"/> Center Ring	<input checked="" type="checkbox"/> Circus Runner	<input type="checkbox"/> Directoire
<input checked="" type="checkbox"/> Empire	<input checked="" type="checkbox"/> Ferncroft	<input type="checkbox"/> Fontaine	<input type="checkbox"/> Garonne	<input type="checkbox"/> Green Bouquet	<input type="checkbox"/> Jazz
<input type="checkbox"/> Joliette	<input type="checkbox"/> Julien	<input type="checkbox"/> La Sarre	<input type="checkbox"/> Margate	<input type="checkbox"/> Menton	<input type="checkbox"/> Mettowee
<input type="checkbox"/> Moldova	<input type="checkbox"/> New Country Dance	<input type="checkbox"/> New Family Farm	<input type="checkbox"/> Odessa	<input type="checkbox"/> Pallazzo	<input type="checkbox"/> Pears



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EXHIBIT 2

Rugs

<input checked="" type="checkbox"/> Algarve	<input checked="" type="checkbox"/> Camel	<input checked="" type="checkbox"/> Carlise	<input checked="" type="checkbox"/> Center Ring	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Directoire
<input checked="" type="checkbox"/> Algarve	<input type="checkbox"/> Camel	<input checked="" type="checkbox"/> Carlise	<input type="checkbox"/> Center Ring	<input checked="" type="checkbox"/> Circus Runner	<input type="checkbox"/> Directoire
<input checked="" type="checkbox"/> Empire	<input checked="" type="checkbox"/> Ferncroft	<input checked="" type="checkbox"/> Fontair	<input checked="" type="checkbox"/> Garonne	<input checked="" type="checkbox"/> Green Bouqu	<input checked="" type="checkbox"/> Jazz
<input checked="" type="checkbox"/> Empire	<input checked="" type="checkbox"/> Ferncroft	<input type="checkbox"/> Fontaine	<input type="checkbox"/> Garonne	<input type="checkbox"/> Green Bouquet	<input type="checkbox"/> Jazz
<input checked="" type="checkbox"/> Joliette	<input checked="" type="checkbox"/> Julien	<input checked="" type="checkbox"/> La Sarre	<input checked="" type="checkbox"/> Margate	<input checked="" type="checkbox"/> Menton	<input checked="" type="checkbox"/> Mettowee
<input type="checkbox"/> Joliette	<input type="checkbox"/> Julien	<input type="checkbox"/> La Sarre	<input type="checkbox"/> Margate	<input type="checkbox"/> Menton	<input type="checkbox"/> Mettowee
<input checked="" type="checkbox"/> Moldov.	<input checked="" type="checkbox"/> New Countr Dance	<input checked="" type="checkbox"/> New Family Farm	<input checked="" type="checkbox"/> Odessa	<input checked="" type="checkbox"/> Pallazzo	<input checked="" type="checkbox"/> Pears
<input type="checkbox"/> Moldova	<input type="checkbox"/> New Country Dance	<input type="checkbox"/> New Family Farm	<input type="checkbox"/> Odessa	<input type="checkbox"/> Pallazzo	<input type="checkbox"/> Pears
<input checked="" type="checkbox"/> Polar Bear	<input checked="" type="checkbox"/> Rosec	<input checked="" type="checkbox"/> Rug Table	<input checked="" type="checkbox"/> Savoie	<input checked="" type="checkbox"/> Siena	<input checked="" type="checkbox"/> Sportir Life
<input type="checkbox"/> Polar Bear	<input type="checkbox"/> Rosecliff	<input type="checkbox"/> Rug Table	<input type="checkbox"/> Savoie	<input type="checkbox"/> Siena	<input type="checkbox"/> Sporting Life
<input checked="" type="checkbox"/> Sportui Life	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Tiger	<input checked="" type="checkbox"/> Tosca	<input type="button" value="Submit"/>	<input type="button" value="Reset"/>

Sporting
Life

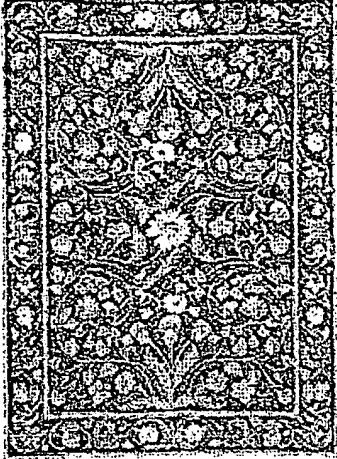
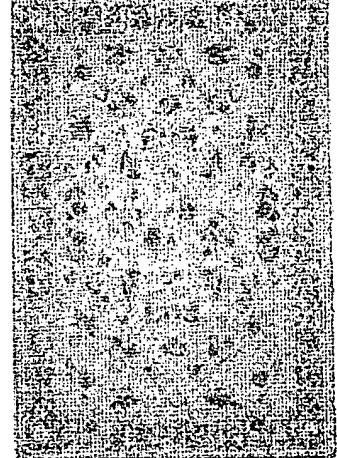
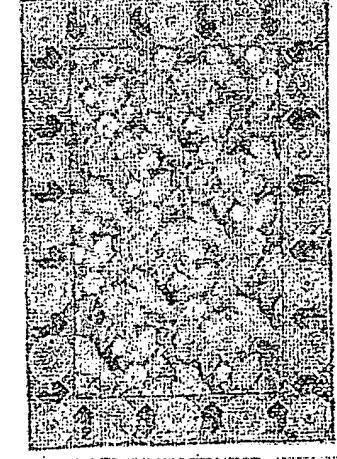
Sporting
Life Runner

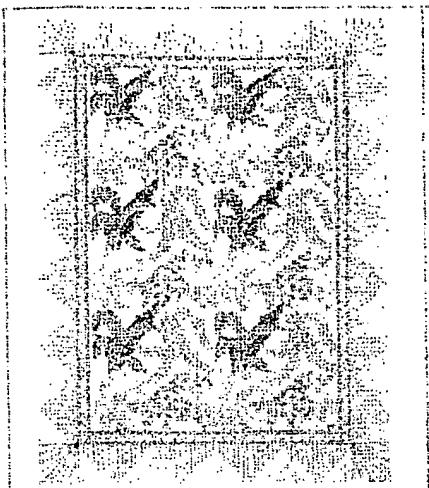
Tiger

Tosca

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Picture	Description	Auction Bids
		
		
		



Any one class of elements in the presentation array can be chosen to determine the height (or width) of each row (or column). The other class of elements would then be adjusted to fit into the cells, or to be virtually contained in the cell, while physically larger than the cell, with an accompanying "scroll bar" function. The larger element can be shown in the smaller cell window by scrolling a "scroll bar."

In this illustrative example, the presentation of the multiple data elements of the multiply selected items from the previous "rug array," is shown in an array, with the first column showing the detailed images of the selected rugs, which are linked in the database to the "thumb nail" images in the large "rug thumbnail array." The row height is adjusted to the height of the graphic images of the selected rugs. The cell heights of the cells in "Description" and "Auction Bid" columns confirm to the row height determined by the graphical images of the "multiply-selected" rugs. Scroll bars can be used in the cells of the "Description" and "Auction Bid" columns to scroll and show contents that might not fit within the cell boundaries.

Alternately, the graphical images can be presented in the first row, and the "description" and "auction bid" elements presented in the 2nd and 3rd rows. In such case, the column width would be determined by the width of the graphical images.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of C. Lin-Hendel : Group Art Unit: 2174
Serial No. 09/544,036 : Examiner: Gary D. Nguyen
Filed: April 6, 2000 : Date: September 30, 2004
For: DYNAMIC ARRAY PRESENTATION :
AND MULTIPLE SELECTION OF :
DIGITALLY STORED OBJECTS AND :
CORRESPONDING LINK TOKENS :
FOR SIMULTANEOUS :
PRESENTATION :
:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. 1.131

1. I am Catherine Lin-Hendel Ph.D., the Inventor and the Declarant herein.

All statements made herein are made from my own personal knowledge and submitted evidence. This Declaration supplements the Declaration Under 37 C.F.R. 2.131 previously submitted in connection with this application.

2. In this country, I conceived the basic concept of the subject matter of the above-identified invention in January 1996. From January to March of 1996 I was able to put together a variety of mock-up data and programs in the same computer to demonstrate the basic premise of the concept. To implement the concept over a computer networks and across the Internet, where data formats and standards could be very different from computer to computer, from network to network, and from website to website, extensive data recognition, data parsing, processing, reformatting, and

Serial No. 09/544,036

Lin-Hendel 1

utility programs, some of which, though under development in computer network and infrastructure software companies (such as IBM, Sun Microsystems, and Microsoft) was not available during 1996 through 1999. It was generally recognized during 1997 that industry standard across the web on data/object access protocol (Standard on Object Access Protocol—SOAP) was the only way to facilitate reliable data gathering re-processing and re-presentation across the web. IBM took upon itself to coordinate the development of SOAP, the standards and utilities. The first SOAP 1.0 was available for beta trial early 1999, which enabled the implementation of my invention across the Internet, and computer networks in general, instead of on a single computer.

3. On April 19, 1999, I filed Provisional U.S. Patent Application Serial Number 60/130,397 for this invention.

4. From January 1996 until April 19, 1999 I diligently worked on implementing this invention. Specifically, during this period of time I wrote, tested and debugged the computer code required to implement the invention. Debugging the code included time spent thinking about and researching how to solve the problems, i.e., eliminating bugs encountered during the implementation process. Enclosed is a diskette containing files of notes made during the years 1996-1998, 1996-1999 and 1997-1998 evidencing my diligence in implementing this invention as well as a print-out of an attempt to program scrolling of a row of thumbnails—signified as rectangular boxes. The content of the thumbnails was fed into the program in real time from a single or multiple data sources.

EVIDENCE

Exhibit 1 is a print out of notes I made during the implementation of this invention during the years 1996-1999. These notes show the variety of tasks that were required of me to implement the invention.

Exhibit 2 is a print out of notes I made during the implementation of this invention during the years 1997-1998. These notes show the variety of tasks that were required of me to implement the invention.

Exhibit 3 is the result of an attempt to program scrolling of a row of thumbnails—signified as rectangular boxes. The content of the thumbnails was fed into the program in real time from a single or multiple data sources.

Exhibit 4 is the SOAP (Standard on Object Access Protocol) version time table from the SOAP community website.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, of the United States Code, and that such false statements may jeopardize the validity of this Declaration, or any patent to which this verified statement is directed.



Catherine Lin-Hendel PhD.

Dated: September 30, 2004
Los Gatos, California

EXHIBIT 1

Multiple Select Notes 1996-1999.doc: Created Sep 30 1996, Last Modified Mar 10 1999
Catherine G. Lin-Hendel

Multiple Select Conceptual and Implementation Notes 1996-1999:

September 30, 1996

1. It has been pain in the neck coding all data paths and file name into my Multi-Select demo. I used some rug photographs to compose a catalog graphical thumbnails folder, a detailed graphics folder, and mock-up descriptions into another linked text folder, and mock up auction files for each rug. I was able to show the thumbnails in a graphical array, and java scripted a primitive multi-select function, and submit function to fetch all data regarding the number of selected rug-thumbnails at once, and display at once for comparison conveniences. It was so much work, I only coded the first two rows of rugs into the java script. The selection of other rugs beyond the first two rows would not work in a demo.

January 24, 1997:

1. In my September 1996 rug-demo implementation, access path and file names of catalogs and items must be hand coded into the functional scripting file, which makes implementation extremely labor intensive and cost prohibitive. The 1996 method is not practical when attempting to select object links from random sources/catalogs/web-pages on the Internet yet unknown to the service provider of this function.
2. In the 1996 demo script, I only coded the first two rows of rugs shown in the catalog page. I had not the time to encode paths to data relating to the other rugs in the remaining rows in the catalog page in the functional scripting file—rugmulti.js. Thus, these other rows of rugs would not respond to selection using the 1996 version. I need more time to figure out how to work this in a more elegant and labor economic way.

April 12, 1997

3. In order to have the implementation cost within practical realm, I need to explore method to dynamically fetch all data-paths of all link-tokens contained in a data page, in real-time, as the page is accessed by a user. The data-paths thus fetched would need to be piped into a database constituted in real time, and accessible to the Multi-Select functional scrip. The Multi-Select functional script must then be able to connect to this database dynamically, also in real time, as the user select each item/link.

July 5, 1997:

Since I have not done hands on work on databases for a long time, this work will require extensive study on databases and their present day advances. I have been frustrated by not having enough time to do the database study I need to do. Perhaps this will require me to hire someone who is professionally proficient in this area.

September 20, 1997:

Multiple Select Conceptual and Implementation Notes 1997-:

January 24, 1997:

1. In my September 1996 rug-demo implementation, access path and file names of catalogs and items must be hand coded into the functional scripting file, which makes implementation extremely labor intensive and cost prohibitive. The 1996 method is not practical when attempting to select object links from random sources/catalogs/web-pages on the Internet yet unknown to the service provider of this function.
2. In the 1996 demo script, I only coded the first two rows of rugs shown in the catalog page. I had not the time to encode paths to data relating to the other rugs in the remaining rows in the catalog page in the functional scripting file—rugmulti.js. Thus, these other rows of rugs would not respond to selection using the 1996 version. I need more time to figure out how to work this in a more elegant and labor economic way.

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July 5, 1997:

Since I have not done hands on work on databases for a long time, this work will require extensive study on databases and their present day advances. I have been frustrated by not having enough time to do the database study I need to do. Perhaps this will require me to hire someone who is professionally proficient in this area.

September 20, 1997:

Spoke to several possible candidates. Unable to hire as yet. Their skill-set and the pay they demand are all out of whack. I suspect most of them don't even know about dynamic database as much as the little I do know. At the mean time, I need to keep plugging at it.

January 15, 1998:

I think some common industry standard on inter-website data path specifications and communications protocol needs to be developed. Or, how else is error-free, real time, dynamic fetching of catalogues, data-paths, and data themselves, between random and different websites owned by different people and different companies possible?

EXHIBIT 3



EXHIBIT A



Do not link to this page - Use dated versions of the documents

Latest SOAP versions

This page (<http://www.w3.org/TR/soap>) contains links to the SOAP/1.1 Note and the SOAP Version 1.2 Recommendation documents.

For information about the latest work on SOAP and a full list of SOAP specifications , please refer to the W3C XML Protocol Working Group and the list of W3C Technical Reports.

SOAP Version 1.2

Latest version of SOAP Version 1.2 specification: <http://www.w3.org/TR/soap12>

W3C Recommendation 24 June 2003

SOAP Version 1.2 Part0: Primer

<http://www.w3.org/TR/2003/REC-soap12-part0-20030624/>

SOAP Version 1.2 Part1: Messaging Framework

<http://www.w3.org/TR/2003/REC-soap12-part1-20030624/>

SOAP Version 1.2 Part2: Adjuncts

<http://www.w3.org/TR/2003/REC-soap12-part2-20030624/>

SOAP Version 1.2 Specification Assertions and Test Collection

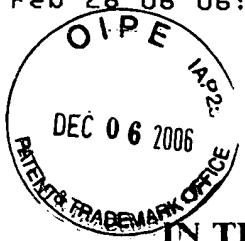
<http://www.w3.org/TR/2003/REC-soap12-testcollection-20030624/>

Please refer to the errata for these documents, which may include some normative corrections.

This document is a Recommendation of the W3C. This document has been produced by the XML Protocol Working Group, which is part of the Web Services Activity. It has been reviewed by W3C Members and other interested parties, and has been endorsed by the Director as a W3C Recommendation. It is a stable document and may be used as reference material or cited as a normative reference from another document. W3C's role in making the Recommendation is to draw attention to the specification and to promote its widespread deployment. This enhances the functionality and interoperability of the Web.

Simple Object Access Protocol (SOAP) 1.1

W3C Note 08 May 2000



LH 001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Art Unit: 2179

Catherine Lin-Hendel

Examiner: Nhon D. Nguyen

Serial No.: 09/544,036

Filed: April 6, 2000

For: Multiple Selection of Digitally
Stored Objects and Corresponding
Link Tokens for Simultaneous
Presentation**SECOND SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.131**

1. I am Catherine Lin-Hendel, the inventor and declarant. I make all statements in this declaration from my own personal knowledge.
2. This declaration supplements my Declaration Under 37 C.F.R. § 1.131 dated December 18, 2003, and my Supplemental Declaration Under 37 C.F.R. § 1.131 dated September 30, 2004.
3. Exhibit 3 that I submitted with my Declaration Under 37 C.F.R. § 1.131 dated December 18, 2003, shows a display within a single window.
4. In this country, I invented and reduced to practice the subject matter of the rejected claims 1 and 27 prior to March 15, 1998.

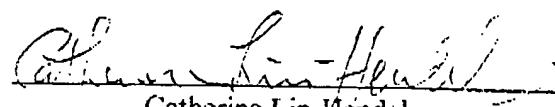
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5. Prior to March 15, 1998, through a process of experimentation and development, I invented and reduced to practice a system for selecting and simultaneously displaying a plurality of digitally stored objects, comprising: means for displaying digitally stored objects via a webpage; means for selecting on said webpage a plurality of the displayed digitally stored objects, each displayed digitally stored object having at least one dynamically linked associated destination object; and means for retrieving the at least one dynamically linked destination object for each selected one of the plurality of the displayed digitally stored objects together from a storage medium and then simultaneously displaying together in a single window the retrieved destination objects for viewing.

6. Prior to March 15, 1998, through a process of experimentation and development, I invented and reduced to practice a method for selecting and simultaneously displaying a plurality of digitally stored objects, comprising: displaying a two dimensional array of digitally stored objects; selecting a plurality of digitally stored objects from the two dimensional array of digitally stored objects, wherein each one of the selected plurality of digitally stored objects has at least one dynamically linked associated destination object; after the selecting step, retrieving the at least one dynamically linked destination object associated for each one of the selected plurality of digitally stored objects all together; and simultaneously displaying all together each one of the retrieved associated destination objects in a single window.

I hereby declare that that all statements made in this declaration of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable

LH 001
by fine or imprisonment or both (18 U.S.C. § 1001), and that such false statements may jeopardize
the validity of the present application or any patent issuing thereon.


Catherine Lin-Hendel

Dated: 2/27, 2006
Los Gatos, California

RELATED PROCEEDINGS APPENDIX

Applicant-Appellant and the undersigned legal representative do not know of any other appeal, interference, or judicial proceeding that is related to, directly affects, is directly affected by, or has a bearing on the decision of the Board of Patent Appeals and Interferences in this Appeal.

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